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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

MEETING DATE 9/12/2005	CONTACT/PHONE Josh LeBombard (805) 781-1431	APPLICANT Robin Marks	FILE NO. COAL 04-0494 SUB2004-00109
<b>SUBJECT</b> Request by Robin Marks for a Lot Line Adjustment to adjust the lot lines between 2 parcels of 150.10 and 9.31 acres each. The adjustment will result in 2 parcels of 146.08 and 13.33 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agricultural land use category and is located at 8060 E. Highway 41, approximately 0.5 east of Cripple Creek Road, 1.25 miles northwest of the community of Creston. The site is in the El Pomar/Estrella planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Lot Line Adjustment COAL 04-0494 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 12, 2005 for this project. Mitigation measures are proposed to address Aesthetics and Agricultural and Biological Resources and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 035-111-016 & 017	SUPERVISOR DISTRICT(S) 1
<b>PLANNING AREA STANDARDS:</b> None			
<b>LAND USE ORDINANCE STANDARDS:</b> None			
<b>EXISTING USES:</b> Residence and accessory structures			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture; range land <i>East:</i> Agriculture; residential, vineyard <i>South:</i> Agriculture; residential <i>West:</i> Agriculture; undeveloped			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Parks, APCD, City of Paso Robles	
TOPOGRAPHY: Nearly level to steeply sloping	VEGETATION: Grasses , oak savannah
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: January 26, 2005

#### ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between 2 legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
150.10	146.08
9.31	13.33

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the 2 parcels to configure the parcels to reflect topography, access and use.

#### SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below minimum parcel size (160 acres for Class IV non-irrigated agricultural land) as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

#### LEGAL LOT STATUS:

The 2 lots were legally created by Certificate of Compliance C2002-0097 and Voluntary Merger M2002-0098.

## FINDINGS - EXHIBIT A

### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 12, 2005 for this project. Mitigation measures are proposed to address Aesthetics and Agricultural and Biological Resources and are included as conditions of approval.

### *Lot Line Adjustment*

- B. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of the 2 parcels to configure the parcels to reflect topography, access and use.
- C. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- D. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

### CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
  - a. All public utility easements.
  - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance, which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.
12. Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:

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a. Aesthetics

VS1 **At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s). All water tanks shall be located in the least visually prominent location feasible when viewed from key viewing area(s). Screening with topographic features, existing vegetation or existing structures shall be used as feasible.. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.

VS2 **At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

b. Agriculture

AG3 **Prior to recordation of the final map**, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit and as follows:

- a. 100 feet along the northern property line of the parent parcel
- b. 100 feet along the western property line of the parent parcel

No structures used for human habitation shall be constructed in the buffer area.

AG5 **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.

c. Biological

BR1 **Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the area, the standard mitigation ratio for projects has been established as of 1:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of 1 acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 1:1. The mitigation options identified in BR-1 through BR-11 apply **to the proposed**

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**project only;** should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR2 Prior to issuance of grading and/or construction permits,** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing

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funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**BR3 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map/certificate recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet
  - b) Known kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**BR4 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map/certificate recordation**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map/certificate recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR5 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BR6 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.



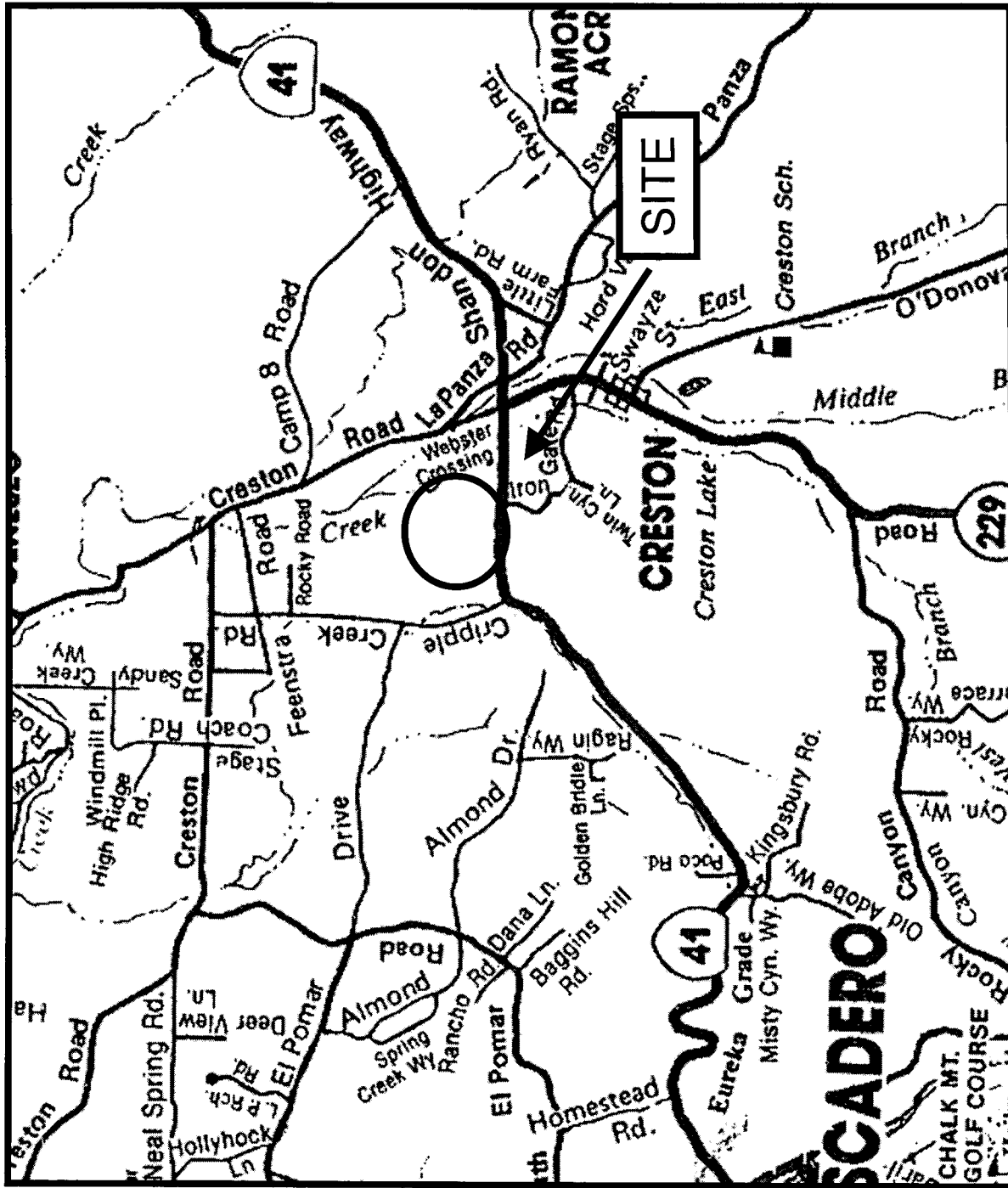
- BR7 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR8 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR9 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR10 **Prior to, during, and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR11 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BR12 **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

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- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

*Staff report prepared by Josh LeBombard and reviewed by Kami Griffin*



PROJECT

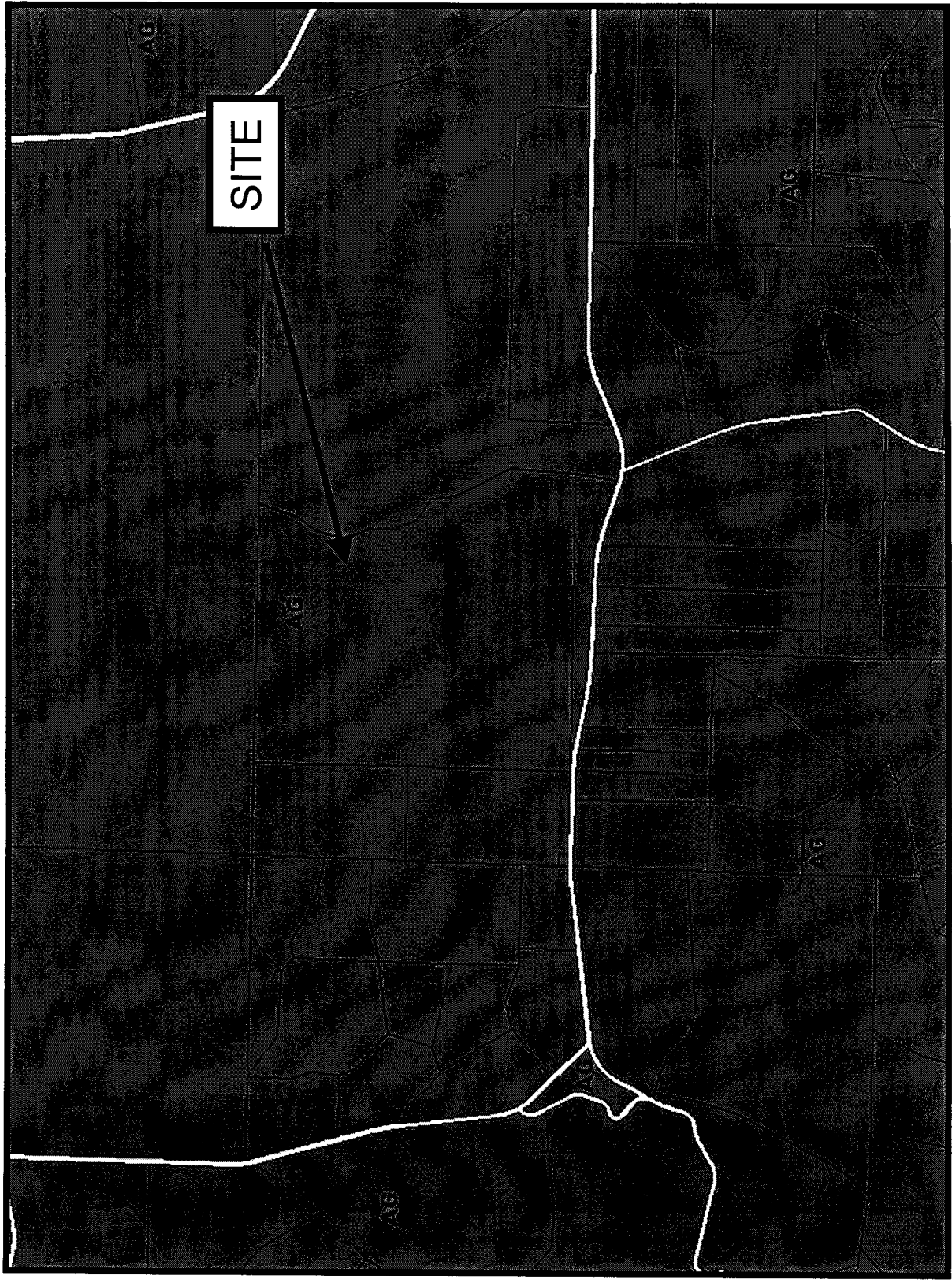
Marks Line Adjustment  
SUB2004-00109



EXHIBIT B

Vicinity Map

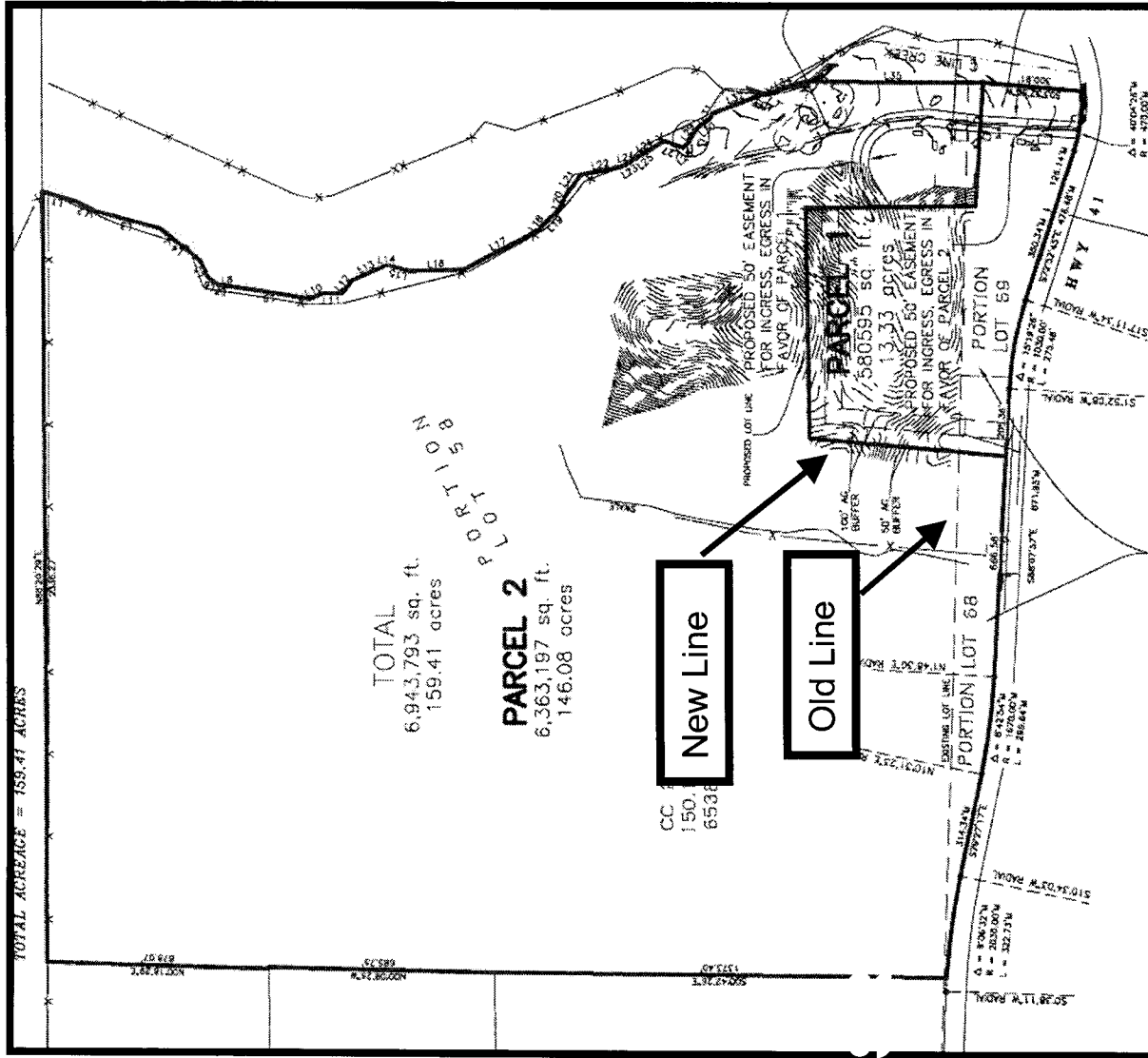
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**EXHIBIT B**  
Land Use Category Map



**PROJECT**  
Marks Line Adjustment  
SUB2004-00109



## PROJECT

**Marks Line Adjustment**  
**SUB2004-00109**



**EXHIBIT B**

# Site Plan #1

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**COUNTY OF SAN LUIS OBISPO**  
**MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**

FOR OFFICIAL USE ONLY (JL)

**ENVIRONMENTAL DETERMINATION NO. ED04-328**

**DATE: August 11, 2005**

**PROJECT/ENTITLEMENT:** Marks Lot Line Adjustment SUB2004-00109 CO04-0494

**APPLICANT NAME:** Alfred Marks III

**ADDRESS:** PO Box 899, Templeton, CA, 93465-0899

**CONTACT PERSON:** Same as applicant

**Telephone:** 805-461-0000

**PROPOSED USES/INTENT:** Request by Robin Marks to adjust the lot lines of 2 existing parcels of 150.10 and 9.31 acres each to 2 parcels of 146.97 and 13.33 acres each, that will not result in any additional parcels.

**LOCATION:** The subject properties are within the Agriculture land use category, and are located at 8060 East Highway 41, approximately 0.5 mile east of Cripple Creek Road, approximately 1.25 miles northwest of the community of Creston, in the El Pomar/Estrella planning area

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
 County Government Center, Rm. 310  
 San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** California Department of Fish and Game

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....5 p.m. on August 25, 2005**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

**Notice of Determination**

**State Clearinghouse No.** \_\_\_\_\_

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ *Lead Agency*

☐ *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
 County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

**Signature**

**Project Manager Name**

**Date**

**Public Agency**

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**San Luis Obispo County**  
**Department of Planning and Building**  
*environmental division*

**ENVIRONMENTAL DOCUMENT FILING FEE FORM**

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: August 3, 2005

County: San Luis Obispo

Project No. SUB2004-00109  
CO04-0494

Project Title: Marks Lot Line Adjustment

**Project Applicant**

Name: Alfred L. Marks III.

Address: PO Box 899

City, State, Zip Code: Templeton, CA, 93465-0899

Telephone #: 805-461-0000

Please remit the following amount to the **County Clerk-Recorder:**

( ) Environmental Impact Report	\$ 850.00
( ) Negative Declaration	\$ 1250.00
( ) County Clerk's Fee	\$ <u>25.00</u>

**Total amount due:**

**AMOUNT ENCLOSED:    \$1,275.00**

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

**NOTE:** Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** Marks Lot Line Adjustment ED04-328; SUB2004-00109 CO04-0494

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Aesthetics             | <input type="checkbox"/> Geology and Soils           | <input type="checkbox"/> Recreation                 |
| <input checked="" type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Air Quality                       | <input type="checkbox"/> Noise                       | <input type="checkbox"/> Wastewater                 |
| <input checked="" type="checkbox"/> Biological Resources   | <input type="checkbox"/> Population/Housing          | <input type="checkbox"/> Water                      |
| <input type="checkbox"/> Cultural Resources                | <input type="checkbox"/> Public Services/Utilities   | <input type="checkbox"/> Land Use                   |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

JOSE LEBANDEZ [Signature] 7/21/05  
Prepared by (Print) Signature Date

John Nell [Signature] 7/21/05  
Reviewed by (Print) Signature (for) Ellen Carroll, Environmental Coordinator Date



**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Request by Robin Marks for a Lot Line Adjustment to adjust the lot lines between 2 parcels of 150.10 and 9.31 acres each. The adjustment will result in 2 parcels of 146.08 and 13.33 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agricultural land use category and is located at 8060 E. Highway 41, approximately 0.5 east of Cripple Creek Road, 1.25 miles northwest of the community of Creston. The site is in the El Pomar/Estrella planning area.

**ASSESSOR PARCEL NUMBER(S):** 035-111-016, 017

**SUPERVISORIAL DISTRICT #** 1

**B. EXISTING SETTING**

**PLANNING AREA:** El Pomar/Estrella, Rural

**LAND USE CATEGORY:** Agriculture

**COMBINING DESIGNATION (S):** Flood Hazard

**EXISTING USES:** Residence , accessory structures

**TOPOGRAPHY:** Nearly level to steeply sloping

**VEGETATION:** Grasses , oak savannah,

**PARCEL SIZE:** 159.41

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Agriculture; range land	<i>East:</i> Agriculture; residential , vineyard
<i>South:</i> Agriculture; residential	<i>West:</i> Agriculture; undeveloped

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

1. <b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed adjustment of 2 parcels will result in a building site on parcel 2 to be potentially located at a higher elevation than currently available. Development of a single-family residence in that location will be visible from Highway 41 but is consistent with development in the surrounding area.

**Mitigation/Conclusion.** To minimize future visual impacts as a result of the building of an additional single-family residence in an area visible from Highway 41 to a less than significant level, mitigation has been incorporated.

2. <b>AGRICULTURAL RESOURCES - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The soil types include: (inland) Nacimiento-Los Osos complex (9-30%)

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Nacimiento-Los Osos complex (30-50%) Still clay loam (0-2%)

As described in the NRCS Soil Survey, the "non-irrigated" soil class is "not applicable" to "IV", and the "irrigated soil class is "I" to "VI".

This project is located in an agriculturally zoned area. The proposal is to adjust the lot lines between 2 parcels of 150.10 and 9.31 acres each. The adjustment will result in 2 parcels of 139.41 and 20.00 acres each.

**Impact.** A referral was sent to the Department of Agricultural. The department responded that this proposed adjustment would result in a configuration that is equal to the existing configuration. This proposal is not considered to be a significant impact to agricultural resources given that residential/agricultural conflicts are minimized. In order to minimize conflicts, an agricultural buffer was recommended for proposed parcel 1.

**Mitigation/Conclusion.** An agricultural buffer of 100 feet on the north and west portion of proposed parcel 1 is necessary in order to minimize future conflicts with proposed agriculture activities on proposed parcel number 2. This mitigation has been incorporated.

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The Air Pollution Control District has developed the CEQA Air Quality Handbook to evaluate project specific impacts and to help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

**Impact.** As proposed, the project will result in no direct disturbance. No significant air quality impacts are expected to occur.

**Mitigation/Conclusion.** No mitigation measures are necessary.

#### 4. BIOLOGICAL RESOURCES - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located within the Carrizo vernal pool region.

The project site is located within an area that has identified vernal pool habitat as determined by aerial survey mapping by the U.S. Fish and Wildlife Service.

The project site is located within an area designated as a critical habitat for the vernal pool fairy shrimp.

The following habitats were observed on the proposed project: Blue Oak Woodland and Coastal Oak Woodland. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

**Plants:** Located within 1 mile to the east are Shining Navarretia (*Navarretia nigelliformis* ssp radians) and Dwarf Calycadenia (*Calycadenia villosa*).

**Wildlife:** San Joaquin kit fox (*Vulpes macrotis mutica*) with a mitigation ratio of 1:1, vernal pool fairy shrimp.

**Habitats:** Mixed Oak Woodland with a high sensitivity and Carrizo vernal pool region.

The site was visited by staff and it was determined that the project site does not support any sensitive habitat besides Oak Savannah. Vegetation on the entire site consists of a mix of Oak Savannah and grasses. The project does fall within potential San Joaquin Kit Fox habitat- a federally listed endangered species and a state listed threatened species.

**Impact.** The proposed adjustment will put all of the Oak Savannah on proposed parcel 2 leaving proposed parcel 1 within grassland. The impacts to the Oak Savannah will be less as a result of the proposed adjustment because the Oak Savannah will be located solely on proposed parcel 2 instead of both parcels. Development within the Oak Savannah will be limited to that taking place on proposed parcel 2, thus no mitigation is necessary to minimize impacts to the Oak Savannah to a less than significant level.

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Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the area, the standard mitigation ratio has been established as 1:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 1 acres conserved for each acre impacted.

Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 1:1).

**Mitigation.** The applicant will be required to mitigate the loss kit fox habitat by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

The implementation of the above measures will mitigate biological impacts to a level of insignificance.

<b>5. CULTURAL RESOURCES -</b> <b><i>Will the project:</i></b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <b><i>Disturb pre-historic resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b><i>Disturb historic resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b><i>Disturb paleontological resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b><i>Other:</i></b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in an area historically occupied by the Southern Salinan and Northern Chumash . No historic structures are present and no paleontological resources are known to exist in the area.

**Impact.** The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. Impacts to historical or paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary

<b>6. GEOLOGY AND SOILS -</b> <b><i>Will the project:</i></b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
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6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist-Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low to moderate. The liquefaction potential during a ground-shaking event is considered moderate to high. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** – A portion of the site is within the 100-year Flood Hazard designation. The closest creek is located on the property. As described in the NRCS Soil Survey, the soil is considered not well drained to moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site

retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** - The soil types include: (inland) Nacimiento-Los Osos complex (9-30%) Nacimiento-Los Osos complex (30-50%) Still clay loam (0-2%)

As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility, and moderate shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

**Impact.** As proposed, the project will result in no immediate disturbance.

**Mitigation/Conclusion.** There is no evidence that measures above what will already be required by ordinance or codes are needed.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

**Impact.** The project does not propose the use of hazardous materials. The project does not present

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a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** No impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

<b>8. NOISE - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences).

**Impact.** The project is not expected to generate loud noises, nor conflict with the surrounding uses.

**Mitigation/Conclusion.** No significant noise impacts are anticipated, and no mitigation measures are necessary.

<b>9. POPULATION/HOUSING - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no

<b>10. PUBLIC SERVICES/UTILITIES -</b> <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Creston CDF Station 43) is approximately 2 miles to the south. The closest Sheriff substation is in Templeton, which is approximately 11 miles from the proposed project. The project is located in the Atascadero Unified School District. and Paso Robles Joint Unified.

**Impact.** The project direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

<b>11. RECREATION - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

**Impact.** The proposed project will not create a significant need for additional park or recreational resources.

**Mitigation/Conclusion.** No significant recreation impacts are anticipated, and no mitigation measures are necessary.

<b>12. TRANSPORTATION/ CIRCULATION - Will the project:</b>		<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a)	<i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	<i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	<i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	<i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Future development will access onto the following public road(s): Highway 41. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works/Caltrans. No significant traffic-related concerns were identified.

**Impact.** The proposed project is estimated to generate about 20 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety.

**Mitigation/Conclusion.** No significant traffic impacts were identified, and no mitigation measures are

necessary.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: slow percolation, steep slopes, and shallow depth to bedrock limitations identified. These limitations are summarized as follows:

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent "daylighting" to the ground surface.

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

**Impact.** The project proposes to use an on-site system as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system.

**Mitigation/Conclusion.** The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

**14. WATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project proposes to use an on-site well as its water source.

The topography of the project is nearly level. The closest creek (an unnamed tributary off of Huerhuero Creek) is located on the subject property. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

**Impact.** As proposed, the project will result in no immediate disturbance. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 2.36 acre feet/year (AFY)

*2 residential lots (w/primary (0.85 afy) & secondary (0.33 afy) X 10 lots) = 2.36 afy*  
 Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

**Mitigation/Conclusion.** Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

**15. LAND USE - Will the project:**

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>15. LAND USE - Will the project:</b>	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

<b>16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4-30

- c) ***Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Review", or the California Environmental Resources Evaluation System at "[http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/)" for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<b><u>Contacted</u></b>	<b><u>Agency</u></b>	<b><u>Response</u></b>
<input checked="" type="checkbox"/>	County Public Works Department	<b>Not Applicable None or attached or In File</b>
<input checked="" type="checkbox"/>	County Environmental Health Division	<b>Not Applicable Same as above</b>
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	<b>Not Applicable</b>
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input type="checkbox"/>	Airport Land Use Commission	<b>Not Applicable</b>
<input type="checkbox"/>	Air Pollution Control District	<b>Not Applicable</b>
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input type="checkbox"/>	Regional Water Quality Control Board	<b>Not Applicable</b>
<input type="checkbox"/>	CA Coastal Commission	<b>Not Applicable</b>
<input type="checkbox"/>	CA Department of Fish and Game	<b>Not Applicable</b>
<input type="checkbox"/>	CA Department of Forestry	<b>Not Applicable</b>
<input type="checkbox"/>	CA Department of Transportation	<b>Not Applicable</b>
<input type="checkbox"/>	Community Service District	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Other <u>CalTrans</u>	<b>Sames as above</b>
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>

**\*\* "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Project File for the Subject Application | <input type="checkbox"/> Solid Waste Management Plan |
|--|--|
- County documents**
- ☐ Airport Land Use Plans
  - ☒ Annual Resource Summary Report
  - ☐ Building and Construction Ordinance
  - ☐ Coastal Policies
  - ☒ Framework for Planning (Coastal & Inland)
  - ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
    - ☒ Agriculture & Open Space Element
    - ☒ Energy Element
    - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
    - ☒ Housing Element
    - ☒ Noise Element
    - ☐ Parks & Recreation Element
    - ☒ Safety Element
  - ☒ Land Use Ordinance
  - ☐ Real Property Division Ordinance
  - ☐ Trails Plan

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- ☒ El Pomar/ Estrella Area Plan  
and Update EIR
- ☐ Circulation Study
- Other documents
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological  
Importance Map
- ☒ California Natural Species Diversity  
Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation  
Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central  
Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat,  
streams, contours, etc.)
- ☐ Other \_\_\_\_\_



**Exhibit B - Mitigation Summary Table**Aesthetics

- VS1 At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s). All water tanks shall be located in the least visually prominent location feasible when viewed from key viewing area(s). Screening with topographic features, existing vegetation or existing structures shall be used as feasible.. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.

**Monitoring:** Will be shown on an additional map sheet. Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator.

- VS2 At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

**Monitoring:** Will be shown on an additional map sheet. Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator.

Agriculture

- AG3 Prior to recordation of the final map**, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit and as follows:
- 100 feet along the northern property line of the parent parcel
  - 100 feet along the western property line of the parent parcel
- No structures used for human habitation shall be constructed in the buffer area.

**Monitoring:** Will be shown on an additional map sheet. Department of Planning and Building will verify compliance.

- AG5 At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.

**Monitoring:** Will be noted on an additional map sheet and all applicable APN's will be coded to require delineation of the buffer. Compliance will be verified by the Department of Planning and Building.

### Biological

The following notes shall be included on the second sheet of the Final Map; if Certificates of Compliance are the recording instrument instead of a Final Map, the items shall be completed **prior to map recordation or recordation of the Certificates of Compliance**, and the applicant will be required to enter into a mitigation agreement to adhere to the following conditions during future construction.

**Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the area, the standard mitigation ratio for projects has been established as of 1:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of 1 acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 1:1. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

*a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.*

***This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.***

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides

written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map/certificate recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be

aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map/certificate recordation**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map/certificate recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-4 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BR-5 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

**BR-6 During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with

plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

**BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

**BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

**BR-9 Prior to, during, and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

**BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

**BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

### Contact Information

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B

4-38

Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

Ventura, CA 93003  
(805) 644-1766

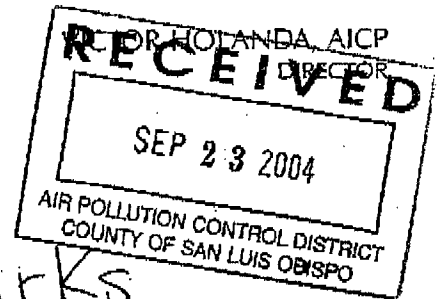
County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason  
(805) 781-5029



JXL 4-39

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL



DATE:

9/22/04

TO:

APCD

FROM:

North Co. Team

(Please direct response to the above)

Marks

SUB 2004-00109

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

LLA (COAL 04-0494) 159.41  
Acres off Hwy. 41 E, Paso Robles. APNs: 035-111-  
016 & 035-111-017. Adjust from 150.10 Acres & 9.31  
Acres to 134.41 & 25 Acres. See maps...

Return this letter with your comments attached no later than:

10/7/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES

YES (Please go on to Part II)

NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

YES

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

NO Comment

Date

9-27-04

Name

M. A. L.

Phone

781-4444

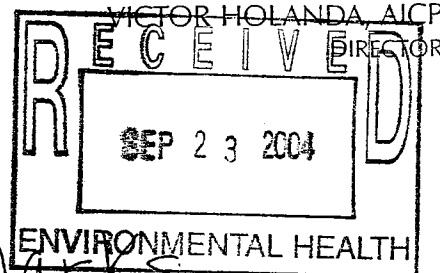


4-40  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

OCT 06 2004

Planning & Bldg

THIS IS A NEW PROJECT REFERRAL



DATE:

TO:

FROM:

9/22/04  
Env. Health  
North Co. Team  
(Please direct response to the above)

Marks  
SUB 2004-00109  
Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

LLA (COAL 04-0494) 159.41  
Acres off Hwy. 41 E, Paso Robles. APNs: 035-111-  
016 & 035-111-017. Adjust from 150.10 Acres & 9.31  
Acres to 134.41 & 25 Acres. See maps...

Return this letter with your comments attached no later than:

10/7/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

No concerns at this time Thank You!

10/5/04  
Date

J. Salo  
Name

781-5551  
Phone





4-41  
JXL  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 9/22/04  
TO: L. Kelly  
FROM: North Co. Team  
(Please direct response to the above)

Marks  
SUB 2004-00109  
Project Name and Number

Development Review Section (Phone: 781- 788-2009) ( )

PROJECT DESCRIPTION: LLA (COAL 04-0494) 159.41  
Acrees off Hwy. 41 E, Paso Robles. APNs: 035-111-  
016 & 035-111-017. Adjust from 150.10 Acres & 9.31  
Acres to 134.41 & 25 Acres. See maps...

Return this letter with your comments attached no later than: 10/7/04

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?  
YES (Please go on to Part II)  
NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?  
NO (Please go on to Part III)  
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

2 legal parcels - APN: 035-111-016 is legal per certificate  
of compliance CO2-0097, Parcel #1. APN: 035-111-017 is  
Parcel #1 of Voluntary Merger M 02-0098. Copies  
of merger & certificate are attached for project file

10-1-04 Date Joe Morrison Name X Phone



Jx - 4-42 8  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

SEP 23 2004

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

FROM

FROM  
TQ

9/22/04  
PW  
North Co. Team  
(Please direct response to the above)

Marks  
SUB 2004-00109  
Project Name and Number

Development Review Section (Phone: 781-788-2009) ( )

PROJECT DESCRIPTION: LLA (COAL 04-0494) 159.41  
Acres off Hwy. 41 E, Paso Robles. APNs: 035-111-016 & 035-111-017. Adjust from 150.10 Acres & 9.31 Acres to 134.41 & 25 Acres. See maps...

Return this letter with your comments attached no later than: 10/7/04

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES (Please go on to Part II)  
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)  
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - NO CONCERNS  
REFERRAL TO CM TRANS?

13 OCT 2004  
Date

Goodwin  
Name

5252  
Phone



4-43XL  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

OCT 07 2004

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

9/22/04

TO:

Parks

FROM:

North Co. Team

(Please direct response to the above)

Project Name and Number

MARKS  
SUB 2004-00109-23

GENERAL SERVICES  
04 SEP 23 AM 10:20

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

LLA (COAL 04-0494) 159.41  
Acres off Hwy. 41 E, Paso Robles. APNs: 035-111-016 & 035-111-017. Adjust from 150.10 Acres & 9.31 Acres to 134.41 & 25 Acres. See maps...

Return this letter with your comments attached no later than:

10/7/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

No Comment.

10/06/04  
Date

Jan Di Leo  
Name

4089  
Phone



CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

March 15, 2005

County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

Dear North County Team,

## LOT LINE ADJUSTMENT PLAN

**Name: Pembroke Project Number: SUB 2004-00165**

The Department has reviewed the lot line adjustment plans submitted for the proposed property adjustment project located on Pozo Rd., Santa Margarita. The property is located within very high fire hazard severity area, and will require a minimum 15 minute response time from the nearest County Fire Station.

**The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:**

### BUILDING SETBACKS

- All parcels one acre and larger shall provide a minimum 30-foot setback from all property lines.

### ROADS STANDARDS

- Access roads provide vehicular access to more than one lot of record or to one lot of record with more than four dwelling units.
- Access road widths shall be a minimum of 18 feet.
- Access roads shall have an unobstructed vertical clearance of not less than 13' 6".
- 1. Access roads shall be named and signed.
- Road naming and signing shall occur prior to building final.
- Road name and sign information is available by phoning 781-5199.

### DRIVEWAY STANDARDS

- The driveway width shall be 16 feet,
- A driveway exceeding 300 feet shall provide turnaround within 50 feet of the residence.
  1. Turnarounds shall be a minimum 40-foot radius or a hammerhead/T 60 feet long.

### ACCESS ROAD AND DRIVEWAY SURFACES

- Access roads and driveways surfaces shall be:
  1. All weather surfaced to a maximum grade of less than 12%.
  2. Asphalt or concrete with a non-skid finish for any grade exceeding 12% to a maximum grade of 16%.
  3. Meet a load capacity of 20 tons

### ADDRESSING

- Legible address numbers shall be placed on all residences.
- Legible address numbers shall be located at the driveway entrance.

### VEGETATION CLEARANCE

To provide safety and defensible space the following shall be required:

- To each side of roads and driveways a 10-foot fuel-break shall be provided.

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT [WWW.CA.GOV](http://WWW.CA.GOV).

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- Maintain around all structures a 30-foot firebreak.
- 1. This does not apply to landscaped areas and plants.
- Remove any part of a tree that is within 10 feet of a chimney outlet.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.

### FINAL INSPECTION

- The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently Southern San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,



Gilbert R. Portillo

Fire Inspector

C: Mr. Paxton Pembroke, owner

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COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Measurement Standards**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

**DATE:** July 8, 2005

**TO:** Josh LeBombard, North County Planning Team

**FROM:** Michael J. Isensee, Agricultural Resource Specialist *mqd*

**SUBJECT:** Marks Lot Line Adjustment Sub2004-00109 (COAL04-0494) Ag Dept #0957

**Summary of Findings**

The Agriculture Department's review of the proposed Marks Lot Line Adjustment (LLA) finds that the proposed parcels on the revised map dated June 15, 2005 to be equal to the existing parcels and configuration.

The County Department of Agriculture supports lot line adjustments that either improve agriculture or do not adversely impact agricultural potential on parcels involved in the adjustment, utilizing the agricultural policies of the Agriculture and Open Space Element of the county General Plan; Title 21, the Real Property Division Ordinance (§21.02.030(c)); and a review of the potential impacts to agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

The proposed reconfiguration of 13.3 acres (parcel 1) and 146 acres (parcel 2) is equally suited for agriculture when compared with the existing configuration of the approximately 9.3-acre (parcel 1) and 150-acre (parcel 2) parcels if an agricultural buffer of 100 feet for grazing or potential intensification is placed on the smaller parcel (parcel 1).

Comments and recommendations in this report are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have any additional questions, I can be reached at 781-5753 or misensee@co.slo.ca.us.

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## INTRODUCTION

The project property is located at 8060 East Highway 41, approximately 1.5 miles northwest from the town of Creston. The project properties consist of an approximately 9-acre parcel (parcel 1, APN 035-111-017) and 150-acre parcel (parcel 2, APN 035-111-016), with the smaller parcel adjacent to Highway 41 and the larger parcel immediately to the north.

The applicant is requesting a lot line adjustment "so that both lots will be of adequate size and have appropriate building sites." The current parcel 1 appears to have a primary and a secondary residence and two outbuildings, while parcel 2, the larger parcel, appears to have no residences but does have a barn and several additional outbuildings. There does not appear to be a lack of buildable sites on either parcel under the current or proposed parcel configuration.

## SOILS

The existing parcels contains the following soil types and capability classifications and approximate acreages:

Soil Type	Percent Slope	Irrigated Classification	Nonirrigated Classification	Acre APN 035-111-016 (Parcel 1)	Acre APN 035-111-017 (Parcel 2)
Still Clay Loam	0-2	I	IV	0.4	9.8
Nacimiento-Los Osos Complex	9-30	IV	IV	8.2	125.5
Nacimiento-Los Osos Complex	30-50	VI	VI	0	13.3
Total				8.6	148.6

The proposed parcels would have the following soils (approximately):

Soil Type	Percent Slope	Irrigated Classification	Nonirrigated Classification	Parcel 1	Parcel 2
Still Clay Loam	0-2	I	IV	0.3	9.9
Nacimiento-Los Osos Complex	9-30	IV	IV	12.9	120.8
Nacimiento-Los Osos Complex	30-50	VI	VI	0	13.3
Total				13.2	144.0

## EVALUATION

The Agriculture Department evaluates lot line adjustments (LLAs) based on several factors, including 1) the configuration of the property lines, 2) the presence of agriculturally productive soils, 3) the eligibility of the resulting parcels for agricultural preserve contracts, and 4) any other issues creating incompatibility with agriculture. For a LLA to be considered equal to or better than the existing configuration, no factor should worsen when compared to the existing configuration.

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1. The proposed configuration does not significantly impact the agricultural capability of the larger and most capable parcel, which would lose approximately 4 acres of land (<2 percent of the parcel). An adequate agricultural buffer would help to ensure compatibility between the larger agricultural parcel and the smaller parcel which is more likely to be utilized for residential purposes. *In this regard the proposed LLA is equal to the existing configuration.*
2. None of the most capable site soils would be impacted by the proposed LLA, and the larger parcel would continue to have a significant area capable of supporting intensified agricultural operations such as orchards or vineyards. *In this regard the proposed LLA is equal to the existing configuration.*
3. The larger parcel appears to qualify for an agricultural preserve contract in both its current and proposed configuration, while the smaller parcel would not qualify in either its current or proposed configuration. *In this regard the proposed LLA is equal to the existing configuration.*
4. There are no other agricultural resource issues relating to this LLA.

#### **RECOMMENDED MITIGATION**

The Agriculture Department recommends the following mitigation measure:

- Include a 100-foot agricultural buffer on the north and west portion of parcel 1 as presented on the Tentative Lot Line Adjustment Map dated June 15, 2005.

CC: Alfred Marks III



# TENTATIVE LOT LINE ADJUSTMENT MAP COAL 04-0494

BEING A LOT LINE ADJUSTMENT OF VOLUNTARY MERGER  
2002-041428 AND CERTIFICATE OF COMPLIANCE  
2002-041429, BEING PORTIONS OF LOTS 58, 86 & 69 OF THE  
RANCHO HUER HUIERO AS RECORDED IN BOOK A, PAGE 110, OF THE  
MAPS IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN  
LUIS OBISPO, STATE OF CALIFORNIA

## PROPERTY OWNERS/SITE INFORMATION

NAME: ALFRED L. MARKS III ADDRESS: P.O. BOX 899  
TEMPLETON, CA 93465-0899  
PHONE# 461-0000 APN 035-111-016 & 017

### ZONING

CURRENT ZONING IS AGRICULTURE (AG)

TOTAL ACREAGE = 159.41 ACRES

## NOTES

1. TOPOGRAPHIC AND PARTIAL BOUNDARY SURVEY WAS PERFORMED.
2. ANY POSSIBLE EASEMENTS AFFECTING PROPERTY ARE UNKNOWN EXCEPT AS SHOWN.
3. UNDERGROUND UTILITIES SHOWN HEREON (IF ANY) ARE BASED ON ABOVE-GROUND STRUCTURES AND RECORD DRAWINGS ONLY. ACTUAL LOCATION MAY VARY.
4. ADDITIONAL UNDERGROUND UTILITY SERVICE LINES TO THE PROPERTY MAY EXIST. FOR INFORMATION REGARDING UTILITY LOCATIONS, SIZE, DEPTH, CONDITION, AND CAPACITY, CONTACT UTILITY OWNERS.
5. FIELD SURVEY PERFORMED 5/14/2004
6. BOUNDARY INFORMATION SHOWN IS RECORD PER 80 LS 83.
7. TITLE REPORT:  
FIDELITY NATIONAL TITLE COMPANY  
ORDER NO 184002  
DATED: AUGUST 3, 2004
8. EASEMENTS PER TITLE REPORT:  
ITEM 3: NOT PLOTTABLE ON THIS THE PROPERTY  
ITEM 6: AN EASEMENT IN FAVOR OF PACIFIC GAS AND ELECTRIC OVER THE SOUTHERLY PORTION OF PARCEL 2- NON PLOTTABLE
9. PER F.E.M.A. F.I.R.M. MAP 060304 0375 B DATED JULY 5, 1982.  
THE PROPERTY IS MOSTLY IN ZONE C, WHICH INDICATES AREAS OF MINIMAL FLOODING. A PORTION OF THE PROPERTY LIES IN ZONE A, WHICH INDICATES AREAS OF 100-YEAR FLOOD. FLOOD HAZARD MAPS AND FLOOD ELEVATIONS HAVE NOT BEEN DETERMINED. THIS AREA IS ALONG THE CREEK WHICH MAKES UP THE EASTERLY PROPERTY LINE.

## OWNER'S STATEMENT

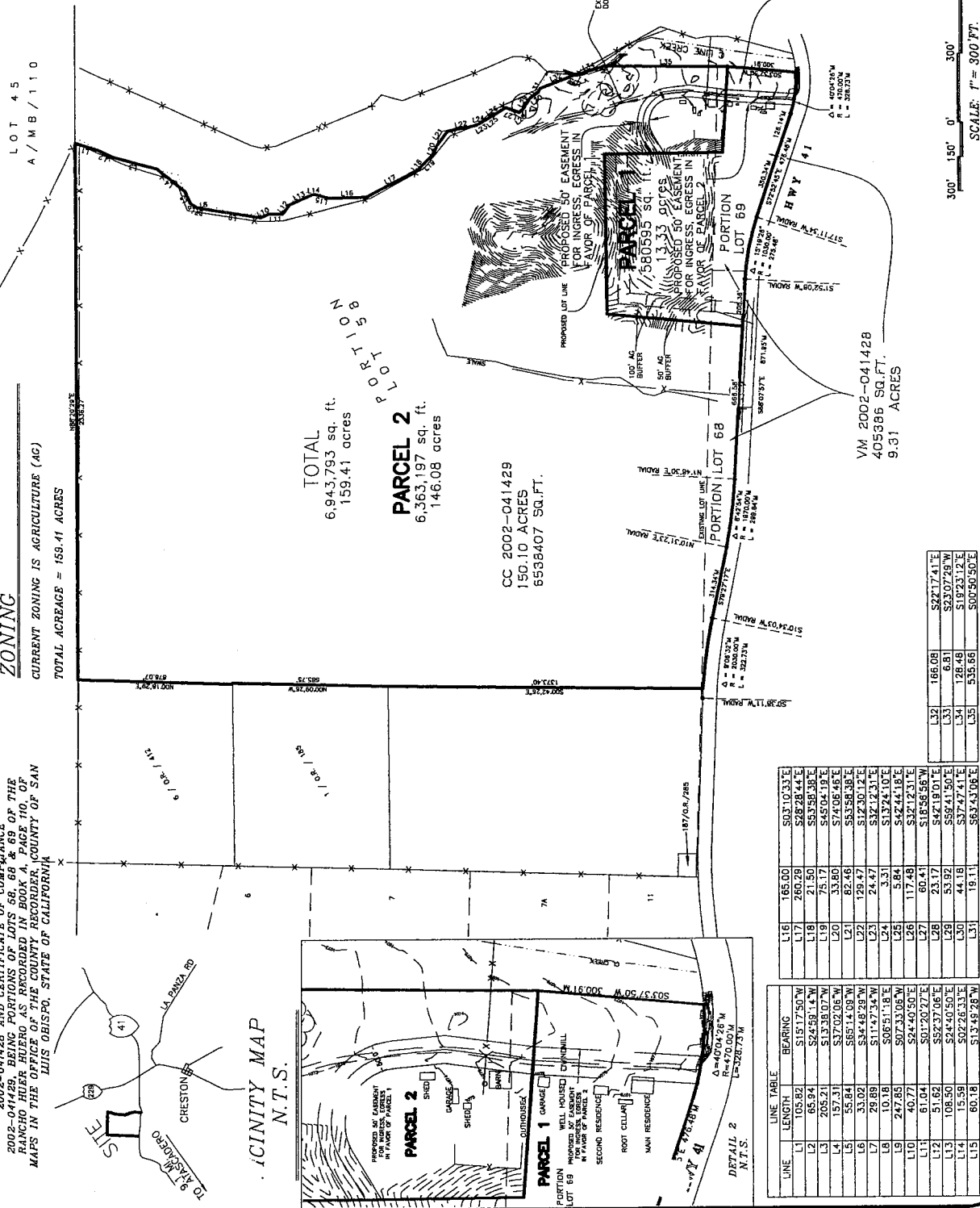
I HEREBY REQUEST APPROVAL OF THIS DIVISION OF THE PROPERTY SHOWN ON THE TENTATIVE MAP AND CERTIFY THAT I AM THE AUTHORIZED REPRESENTATIVE OF THE OWNERS AND THAT THIS MAP IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*Wm. E. Touchon* 06-1505  
WM. E. TOUCHON PLS 4845  
EXPIRES 05/30/2004

DATE



TWIN CITIES SURVEYING INC.  
613 MAIN STREET  
TEMPLETON, CALIFORNIA 93465-0777  
(805) 434-1814 FAX (805) 434-3604  
ALFRED L. MARKS III  
OWNER  
F.E.M.A. MAP NO. 060304  
SHEET 1 OF 1



LINE	LENGTH	BEARING
L16	165.00	S03°10'33"E
L17	260.28	S28°28'44"E
L18	21.50	S53°58'38"E
L19	75.17	S45°04'19"E
L20	33.80	S74°05'45"E
L21	82.46	S53°58'38"E
L22	129.47	S12°30'12"E
L23	24.47	S32°12'31"E
L24	3.31	S13°24'10"E
L25	5.84	S42°44'18"E
L26	117.48	S32°12'31"E
L27	60.41	S18°56'56"W
L28	23.17	S42°19'01"E
L29	53.92	S59°41'50"E
L30	44.18	S37°47'41"E
L31	19.11	S65°45'06"E

LINE	LENGTH	BEARING
L1	105.82	S15°17'50"W
L2	85.94	S24°53'14"W
L3	205.21	S13°35'07"W
L4	157.31	S37°02'06"W
L5	55.84	S55°14'09"W
L6	33.02	S34°48'28"W
L7	29.89	S11°47'34"W
L8	10.18	S05°51'18"E
L9	247.85	S07°33'08"W
L10	40.77	S04°40'50"E
L11	61.04	S01°20'27"E
L12	51.62	S52°37'06"E
L13	108.50	S24°40'50"E
L14	15.39	S02°28'33"E
L15	60.18	S13°48'28"W

August 1, 2005

**DEVELOPER'S STATEMENT FOR  
Marks Lot Line Adjustment  
ED04-328; SUB2004-00109**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Aesthetics

- VS1 **At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s). All water tanks shall be located in the least visually prominent location feasible. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.

**Monitoring:** Will be shown on an additional map sheet. Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator.

- VS2 **At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

**Monitoring:** Will be shown on an additional map sheet. Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator.

Agriculture

- AG3 **Prior to recordation of the final map**, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit and as follows:
- 100 feet along the northern property line of proposed parcel 1
  - 100 feet along the western property line of the proposed parcel 1
- No structures used for human habitation shall be constructed in the buffer area.

**Monitoring:** Will be shown on an additional map sheet. Department of Planning and Building will verify compliance.

- AG5 **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.

**Monitoring:** Will be noted on an additional map sheet and all applicable APN's will be coded to require delineation of the buffer. Compliance will be verified by the Department of Planning and Building.

Biological

**Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the area, the standard mitigation ratio for projects has been established as of 1:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of 1 acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 1:1. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

- BR-1 **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
- Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

**BR-2 Prior to issuance of grading and/or construction permits,** the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required

Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet
  - b) Known or active kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management .

- BR-3 **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: *"Speed signs of 25 mph (or lower) shall be*

*posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox".* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction,**

In addition, **prior to permit issuance and initiation of any ground disturbing activities,** conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- BR-4 **During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5 **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-6 **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 **During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 **Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

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BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

BR-11 **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

**Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11):** Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

**Contact Information**

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

A. Gerald Marks III  
Signature of Owner(s)

01 AUGUST 2005  
Date

A. GERALD MARKS III  
Name (Print)